

REMARKS

Applicants have restricted the claims presently under consideration to the separation of C₆₋₁₂ aromatic hydrocarbons which are unsubstituted or substituted by up to three C₁₋₈ alkyl radicals from a mixture consisting of at least one of said members and at least one member selected from the group consisting of paraffins and higher aromatics. Applicants have deleted the reference to diolefins in the claims and restricted the other components in the mixture to paraffins and higher aromatics. The restriction of the other components in the mixture is supported by the teaching in the specification by the passage bridging pages 7 and 8. It is respectfully submitted that the amendment adds no new subject matter to the specification and will necessitate no further search on the part of the examiner. It is respectfully submitted that the claims are in good order for entry into the specification and the same is respectfully solicited.

The examiner rejected the claims formerly on file pursuant to 35 U.S.C. §102 in view of U.S. Patent 6,849,774 issued February 1, 2005 to Boudreau et al. assigned to ChevronTexaco et al.

The requirements for a prior reference to sustain a rejection pursuant to 35 U.S.C. §102 have been judicially considered in Kahman v. Kimberly - Clark Corp. 218 USPQ 781 (Fed. Cir. 1984) and Leinoff v. Louis Milona & Sons, Inc. 220 USPQ 845 (Fed. Cir. 1984). The courts have held that to sustain a rejection pursuant to 35 U.S.C. §102 each reference individually must identically disclose all the elements of the claim sought to be rejected.

Boudreau teaches the separation of mono - and di-olefins from mixtures containing non olefins. Paragraphs 9, 36, 37, 52, 64 and 67 and claim 30 refer to aromatic compounds. There is no teaching in any of these passages that lower aromatics can be separated from paraffins and higher aromatics. It is respectfully submitted that Boudreau et al. does not identically teach the subject matter of the claims presently under consideration. It is respectfully submitted that the revised claims meet the requirements for patentability set for in 35 U.S.C. §102.

The examiner has rejected the pursuant to 35 U.S.C. §103 in view of U.S. Patent 6,339,183 issued January 15, 2002 to Munson et al. assigned to Chevron U.S.A. Inc. Applicants respectfully submit the revised claims are not obvious in view of the applied reference.

The application of 35 U.S.C. §103 to the issue of patentability has been considered by the Supreme Court of the United States in Graham v. John Deere 148 USPQ 459. The Supreme Court held that 35 U.S.C. §103 requires a three-pronged inquiry. It is necessary to:

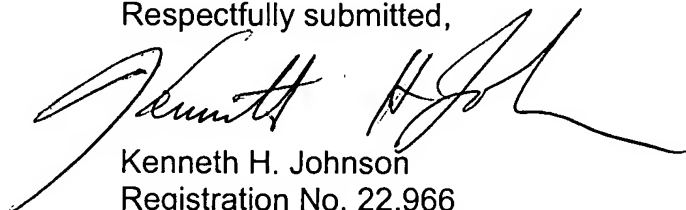
- (i) determine the knowledge disclosed in the prior art;
- (ii) determine the differences between the teaching of the prior art and the claims at issue; and
- (iii) resolve the differences between the teaching of the prior art and the claims in question on the level of the ordinary skill in the art field.

In Munson there are references to aromatics in the abstract, at Col. 1 line 15; Col. 3 lines 52 and 55; Col. 5 line 46 and in claims 2 and 9. None of these

passages suggest that lower aromatic compounds can be separated from paraffins and higher aromatics using copper or silver complexes dissolved in ionic liquids. In fact the reference teaches that neither the paraffins nor the aromatic compounds are taken up by the metal complexes. This teaches against the subject matter of the claims presently under consideration which require that the lower aromatics are taken up by the metal complexes. To one of ordinary skill in the art the reference teaches against the subject matter of the claims presently under consideration and it is respectfully submitted that the present claims are inventive over the applied reference.

It is respectfully submitted that the claims presently under consideration are neither anticipated by Boudreau et al. nor obvious in view of Munson et al. It is respectfully submitted the present claims are in good order for allowance and the same is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth H. Johnson', is written over the typed name.

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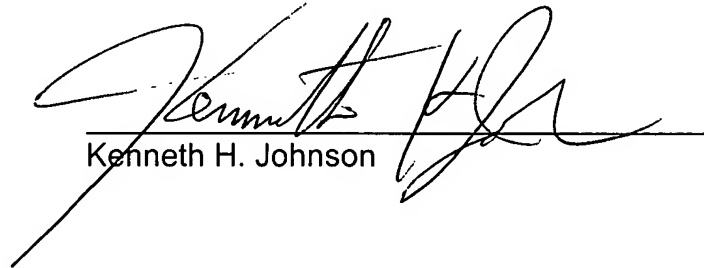


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